

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

ERIKA JOAN RYAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 22-cv-31-DES
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

ORDER AWARDING ATTORNEY’S FEES

Before the Court is Plaintiff’s Motion for an Award of Attorney Fees Under the Equal Access to Justice Act. (Docket No. 21). Plaintiff requests \$6,273.75 in attorney’s fees for 26.65 hours of attorney work pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (“EAJA”). (Docket No. 22-1). The Commissioner has no objection to the fee award. (Docket No. 23).

On June 28, 2023, this Court rendered a final judgment in favor of Plaintiff remanding this case for further proceedings under the fourth sentence of 42 U.S.C. § 405(g). (Docket Nos. 19, 20). The Court, having reviewed the record, finds that the requested attorney fees are reasonable and that the Commissioner should be ordered to pay said amount to Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“a court shall award to a prevailing party . . . fees and other expenses . . . in any civil action . . . brought by or against the United States.”)

IT IS THEREFORE ORDERED that Plaintiff’s Motion for an Award of Attorney Fees Under the Equal Access to Justice Act (Docket No. 21) is GRANTED. The Government shall pay Plaintiff’s attorney fees in the amount of \$6,273.75. In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the attorney fee award is payable to the Plaintiff as the prevailing party and may

be subject to offset to satisfy any pre-existing debt the Plaintiff may owe to the United States. Additionally, if Plaintiff pays over the proceeds of this award to her attorney under a pre-existing agreement and the attorney is subsequently awarded fees pursuant to 42 U.S.C. § 406(b), said attorney shall refund the smaller amount of such fees to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 11th day of October, 2023.

A handwritten signature in black ink, appearing to read "D. Edward Snow", is written over a horizontal line.

D. EDWARD SNOW
UNITED STATES MAGISTRATE JUDGE